

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

In re

Charles R. Bostick

Case No. 03-18339 K

Debtor

John H. Ring III, as Chapter 7 Trustee of the
Estate of Charles R. Bostick

Plaintiff

-vs-

AP No. 08-1121 K

Charles R. Bostick

Defendant

OPINION AND ORDER

The Trustee's Motion for Default Judgment is denied without prejudice because the Debtor's appearance in open court on March 25, 2009 established that (1) he did not receive appropriate guidance from his counsel, who was suspended from the practice of law in the midst of this case, and (2) he is now financially unable to make the Chapter 7 estate whole or to retain an attorney.

The Trustee may make a Motion for entry of a money judgment based upon the earlier orders of the Court, record the same, and to close the estate without abandonment thereof.

The Debtor is informed that although he may suffer the entry of a money judgment against him, it is unlikely to be collectible unless and until his financial circumstances improve. If they do, he may contact the Trustee to seek to settle a satisfaction of such judgment.

SO ORDERED.

Dated: Buffalo, New York
April 24, 2009

s/Michael J. Kaplan

U.S.B.J.